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6 In Pro Per

FILED
JUL 23 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

11 PATRICIA C. BARBERA,

12 Plaintiff,

13 v.

14 WMC MORTGAGE CORPORATION

15 Defendant,

16 CAL LAND TITLE COMPANY OF MARIN,

17 Defendant,

18 SELECT PORTFOLIO SERVICING, INC

19 Defendant.
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CASE NO. CV 08-2677 SBA

[Vacate and Remand to Superior Court of
California, County of Marin, Case No.
CV 081763]

PLAINTIFF'S DECLARATION OF
SUPPORT OF JUDICIAL
NOTICE OF ADMINISTRATIVE
MOTION TO SHORTEN THE
TIME OF THE HEARING TO
STRIKE FRAUDULENT
DOCUMENTS AND TO VACATE
THIS CASE AND REMAND IT TO
THE STATE COURT FROM WHICH
IT CAME, AND MAKE FINDINGS.

BY FAX

26 Declaration in Support of Request for Judicial Notice of the Administrative Motion to Shorten
27 the Time of the Hearing to Strike Fraudulent Documents and to Vacate this Case and Remand
28 it to the State Court From Which it Came, and Make Findings.

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3 I, Patricia C. Barbera, hereby declare and say:
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5 1. I am the Plaintiff in this action. I am 77 years old and disabled. I have been the
6 victim of 'Financial Abuse' for a decade from REED SMITH ETAL and/or their clients

7 2. I have personal knowledge of the facts set forth in this Declaration and, if called
8 upon to do so, I could and would testify competently thereto.

9 3. I submit this declaration in support of the Administrative Motion to Shorten the
10 Time of the Hearing to Strike fraudulent documents; and to Vacate this Case And Remand it to
11 the State Court from Which it Came, and Make Findings.

12 4. On 5/28/08 REEDSMITH filed a Notice of Removal from the Superior Court of
13 Marin County. On that date they knew that their client, WMC MORTGAGE *had not answered*
14 *their summons, and were in default.* They also knew that they had *waived their right to*
15 *litigate in this case.* Nevertheless, they issued voluminous documents, pleadings and filings
16 which were replete with *Contempt of Court, Perjury, and Conspiracy* violations.

17 5. On May 30, 2008. I personally reviewed the Marin County Superior Court files
18 in this action. This review disclosed that WMC MORTGAGE had failed to Answer Their
19 Summons. I realized that **THEY WERE IN DEFAULT.**

20 6. On that date I e-mailed My Objections to the Removal, on two causes, to
21 Christopher Rivas which He denied..

22 7. On June 3, 2008, I again e-mailed Rivas a detailed objection on the cause that
23 They were in default and suggested that He might dismiss the case, to which He shouted, said
24 that I was threatening Him and disparaged Me.

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26 Declaration in Support of Request for Judicial Notice of the Administrative Motion to Shorten
27 the Time of the Hearing to Strike Fraudulent Documents and to Vacate this Case and Remand
28 it to the State Court From Which it Came, and Make Findings.

1 8. They enjoined Select Portfolio Servicing (represented by WRIGHT, FINLAY &
2 ZAK) and Cal Land Title Company of Marin (represented by THE LAW OFFICES OF DANIEL
3 A. GAMER) into joining this tort undertaking..

4 9. Based on Defendants' continuance to commit multiple criminal acts against this
5 Court and the Plaintiff, Plaintiff has no choice but to move this Court for the Instant
6 Administrative Motion.

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8 I declare under penalty under the laws of State of California and the laws of the United
9 States that the foregoing is true and correct.

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11 Executed this 22nd day of July, 2008 at Novato, California.

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14 Patricia C. Barbera

15 PATRICIA C. BARBERA
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PROOF OF SERVICE

I, Sherry Mendenhall, hereby certify that on this 22th day of July 2008, a true and correct copy of the foregoing Plaintiff Barbera's Administrative Motion to Shorten Time and for Remand and Vacate and Strike Fraudulent Documents, Was served upon all counsel of record by UPS Overnight Mail, postage prepaid at the following addresses:

Christopher O. Rivas, Esq.
Scott H. Jacobs, Esq.
355 S. Grand Avenue, Suite 2900
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By:


SHERRY MENDENHALL

PROOF OF SERVICE